

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SAMANTHA SOHMER and KATHY
L. FELLGREN, Individually and on
Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

UNITEDHEALTH GROUP INC.,
UNITED HEALTHCARE SERVICES,
INC., UNITED HEALTHCARE
INSURANCE COMPANY, OPTUM,
INC., and OPTUMRX, INC.,

Defendants.

Case No. 18-cv-03191 (JNE/BRT)

**PLAINTIFFS' MOTION FOR JUDGMENT ON THE PLEADINGS
WITH REGARD TO DEFENDANTS' COUNTERCLAIM
AND AFFIRMATIVE DEFENSE No. 7**

Plaintiff/Counterclaim Defendant Samantha Sohmer (“Plaintiff” or “Counterclaim Defendant”), by her undersigned attorneys, hereby moves pursuant to Fed. R. Civ. P. 12(c) for an order granting judgment on the pleadings as to Defendants United Healthcare Services, Inc.’s and United Healthcare Insurance Company’s counterclaim (the “Counterclaim”), which seeks reformation of ERISA-qualified employer-sponsored benefits Plans, and as to all Defendants’ Affirmative Defense No. 7, which asserts reformation of ERISA-qualified employer-sponsored benefits Plans. Both the Counterclaim and Affirmative Defense No. 7, as pled in Defendants’ Amended Answer and Amended Counterclaim [ECF No. 85], assert that Defendants are entitled to

“reformation” of the ERISA Plans (the “Plans”) at issue because the Plan language upon which Plaintiffs rely was purportedly a “scrivener’s error.” However, as set forth in Plaintiff’s accompanying memorandum of law, Defendants lack standing to seek reformation under ERISA, and cannot do an “end run” around that lack of standing by styling their equitable reformation claim either as a request for declaratory judgment or as an affirmative defense.

This Motion for Judgment on the Pleadings is based on Plaintiff’s Memorandum of Law in Support of this Motion, all files and records of this case, and upon such other evidence and argument as the Court may permit at the hearing of this matter.

Dated: June 30, 2020

Respectfully submitted,

/s/ Amanda M. Williams

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